THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25035 of 2006

Dated: 01-12-2006

Between:

K. Surender Reddy.

..... PETITIONER

AND

The Joint Collector, Ranga Reddy District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.25035 of 2006

ORDER:

Respondents 3 to 24 filed a claim petition before respondent No.2 under Section 10 of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (the Act, for brevity). Considering the same, respondent No.2 issued proceedings dated 18-02-2000 granting Occupancy Rights Certificate (ORC) in respect of the land admeasuring Acs.19.31 guntas in survey No.175 situated at Korremul Village, Ghatkesar Mandal, Ranga Reddy District. Be it noted, the total extent of said survey number is Acs.98.32 guntas. Aggrieved by the ORC issued by respondent No.2 in favour of respondents 3 to 24, the petitioner preferred an appeal under Section 24 of the Act in case No.F1/1051/2001 before respondent No.1 and the same was dismissed on 12-04-2005. Aggrieved by the same, instant writ petition is filed after lapse of one year.

The learned counsel for the petitioner fairly submits that the petitioner is not claiming any ORC, but he is only aggrieved by the observations made by respondent No.1. In justification of the submission, he contends that the petitioner's father filed a suit, being O.S.No.122 of 1969, on the file of the Court of the Munsif Magistrate (East and North), Ranga Reddy District, for declaration of title in respect of land comprised in survey Nos.63 (TodlaKunta), 175 (Kumar Kunta) and 814 (Nadam Cheruvu) alleging that these are private tanks belonging to their family. The suit was decreed on 16-12-1974. On appeal the matter was remanded to the trial Court and the same is pending. Therefore, the learned counsel submits that the impugned order dated 12-04-2005 passed by respondent No.1 might come in the way. This Court, however, is not able to accept the submission. The trial in the suit was completed long back and unless and until the impugned order is made part of the record of the suit, the same cannot be relied on. Even if the defendants in the suit bring the impugned order on record by filing appropriate application for additional evidence, it is for the civil Court to appreciate the contention especially when ORC granted in favour of respondents 3 to 24 is only in respect of part of the land in survey No.175. In view of the same, this Court is not inclined to interfere in the matter, especially when the petitioner does not claim any ORC.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

01st December, 2006
ghn